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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/280,699	03/30/1999	TAKAHIRO MATSUMURA	990377	6201
38834	7590	08/26/2005	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			CRAVER, CHARLES R	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/280,699	MATSUMURA, TAKAHIRO	
	Examiner	Art Unit	
	Charles R. Craver	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 June 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,4,7,10 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,4,7,10 and 16-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 March 1999 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 10, 16, 17, 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ushiki et al in view of Urabe.

Claims 1, 4, 10, 16, 17, 19 and 20: Ushiki discloses a telephone set identifying method and apparatus for utilizing a first section for identifying a type of portable telephone set to which a data processing apparatus (1) is coupled via a port (FIG 1), comprising the steps of identifying the type of device attached in response to a received identification signal (reads operation start signal) from the first section received at a data interface part of the mobile device (PARA 0026). Ushiki further discloses that the signal sent is of the communication protocol and information is set indicating the protocol corresponding to the type of telephone set (PARA 0026).

Ushiki fails to disclose that the type of phone includes a mobile protocol and a PHS protocol.

Urabe discloses digital phones in Japan, such as those taught by Ushiki, comprised at the time of the invention a number of types of phones including personal cellular (mobile), and PHS phones (col 1 lines 12-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the system of Ushiki to identify the digital phones of Urabe, as Urabe states that they are the types of digital phones used in the environment to which Ushiki was applied, that is that one of ordinary skill in the art would have been motivated to use the standard available types of mobile terminals disclosed by Urabe as the types of terminals disclosed in Ushiki.

Claim 21: Ushiki discloses that the identified system is reported to the data processing system (PARA 0026).

Claims 7, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ushiki et al in view of Urabe and Lintula et al.

Claims 7 and 18: Ushiki discloses a telephone set identifying method and apparatus for utilizing a first section for identifying a type of portable telephone set to which a data processing apparatus (1) is coupled via a port (FIG 1), comprising the steps of identifying the type of device attached in response to a received identification signal (reads operation start signal) from the first section received at a data interface part of the mobile device (PARA 0026). Ushiki further discloses that the signal sent is of the communication protocol and information is set indicating the protocol corresponding to the type of telephone set (PARA 0026).

Ushiki fails to disclose that the type of phone includes a mobile protocol and a PHS protocol.

Urabe discloses digital phones in Japan, such as those taught by Ushiki, comprised at the time of the invention a number of types of phones including personal cellular (mobile), and PHS phones (col 1 lines 12-31).

Lintula discloses the utility of using a processor in a PC card, connected by a wire to one of a variety of mobile phone types (col 4 lines 1-11), to determine the type of network the phone can connect to (col 5 lines 27-50) and wherein the terminal may comprise either a mobile or PHS terminal (col 3 lines 39-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the system of Ushiki to identify the digital phones of Urabe, as Urabe states that they are the types of digital phones used in the environment to

which Ushiki is applied, as well as utilize a PC card for the determining apparatus, as it would make the task "easier and faster to perform", see Lintula col 1 lines 20-26.

Response to Arguments

Applicant's arguments filed 11-22-04 have been fully considered but they are not persuasive.

Regarding Ushiki, the examiner upholds that Ushiki teaches the differentiation of mobile terminals by kind, i.e. type. As to the protocol used, Urabe discloses that at the time of Ushiki's invention, two types of mobile terminals used in Japan were mobile and PHS. While Urabe does not disclose identifying phones by type, such is taught by the primary reference Ushiki, and Urabe is merely used to show what types of phone would have obviously been used at the time and thus how one of ordinary skill in the art at the time would have recognized that Ushiki should have been used to identify mobile and PHS phones as those were the kinds of phones used in Japan, where the invention of Ushiki would have been practiced. For example, the operation start signal stated in the instant claims is taught by Ushiki as an identification signal that is used to start the operation of identifying the mobile terminal, i.e. an operation start signal, wherein the signal is specifically for a communication protocol intended to be identified. Thus, as one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references (See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.

1986)), Urabe is combinable with Ushiki as it discloses the types of mobile terminals that one of ordinary skill in the art would have applied to Ushiki.

Response to Arguments

Applicant's arguments filed 6-7-05 have been fully considered but they are not persuasive.

First, it is noted that the Applicant has amended the claims to note that the PCS and PHS systems in the instant invention are exclusive of each other; since the prior art discloses the use of both systems, such a combined invention would fulfill such a limitation.

Second, as noted in the rejection above, the equipment control signal of Ushiki is read as an operation start signal, as it starts the operation of identifying the device.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R. Craver whose telephone number is 571-272-7849. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CC
August 22, 2005


CHARLES CRAVER
PRIMARY EXAMINER

8/22/05